IN RE: PETITION FOR ZONING VARIANCE E/S Greenspring Avenue, 49' S

* DEPUTY ZONING COMMISSIONER of Quarry Heights Way 3rd Election District * OF BALTIMORE COUNTY 2nd Councilmanic District

The Ryland Group, Inc. Petitioners

* * * * * * * * * * *

* Case No. 91-340-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a total sign area of 108 sq.ft. in lieu of the maximum permitted 15 sq.ft., in accordance with Petitioner's Exhibit 1.

The Petitioners, by Bob Gaw, Assistant Production Manager, appeared, testified, and were represented by Thomas G. Bodie, Esquire. Also appearing on behalf of the Petition was Michael J. Ertel, Engineer, with Morris & Ritchie Associates, Inc. Appearing as Protestants in the matter were Harvey Goldstein and Howard L. Pollinger, residents of the area.

Testimony indicated that the subject property, zoned D.R. 3.5, is the site of a subdivision known as Greenspring East and is located off of Greenspring Avenue between Old Court and Sugarcone Roads. Petitioners have filed the instant Petition in order to construct two entrance signs I in accordance with Petitioner's Exhibit 1 at the locations shown thereon. As depicted on said Exhibit, a large portion of the proposed signs consist of brick work. Petitioners contend that granting the relief requested will permit the placement of aesthetically pleasing signs which create a gateway effect to the entrance of this residential neighborhood. Testimony indicated that a sign will be placed on each side of the entrance at Quarry Heights Way to identify the neighborhood to traffic travelling both north and south on Greenspring Avenue. Mr. Gaw testified that the granting of

as well-designed.

The comments submitted by Pat Keller, Deputy Director of Planning, dated March 14, 1991 indicate that "staff applauds the applicant's attempt to provide a well-designed, quality sign treatment for the community of Greenspring."

1) whether strict compliance with requirement would

2) whether the grant would do substantial injustice

SYSON FILING

PETITION FOR ZONING VARIANCE 91-3+0-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section (See attached Exhibit 1)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

(See attached Exhibit 2)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this l'etition.

Legal Owner(s): Contract Purchaser: The Ryland Group, Inc. (Type or Print Name) (Type or Print Name) Signature John M. Flaherty, Vice-Presider (Type or Print Name) ·----

Attorney for Petitioner:

City and State

1300 York Road, Suite 110 821-5311 Thomas G. Bodie (Type or Print Name) Lutherville, Maryland 21093

Name, address and phone number of legal owner, con-21 W. Susquehanna Avenue tract purchaser or representative to be contacted Morris & Ritchie Associates, Inc. - Mike Ertel

606-D Bosley Avenue, Towson, MD 21204 821-1690 ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

Marcher, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore day of April , 1991 , at 2 o'clock

the variance will not result in any detriment to the health, safety or general welfare of the community.

Messrs. Goldstein and Pollinger, both officers of the Greengate Community Association, testified in opposition to the relief requested stating, among other reasons, that it would set a precedent for future development in the area. Mr. Goldstein indicated that while the proposed signs are tastefully done, he feared the square footage would be used in the future to support other signs in the neighborhood which might not be

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

- 2-

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. Further, it should be noted that the majority of the square footage for the signs is attributed to the brick work. The undisputed testimony indicates that the granting of the variance in this instance, and limiting it to that proposed on Petitioner's Exhibit 1, will not create any detriment to the health, safety or general welfare of the community and in fact, provides directional and identification information in an aesthetically pleasing way which enhances the overall community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS OPDERED by the Deputy Zoning Commissioner for Baltimore County this ____ day of May, 1991 that the Petition for Zoning Variance to permit a total sign area of 108 sq.ft. in lieu of the maximum permitted 15 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The relief granted herein is limited to the sign depicted on Petitioner's Exhibit 1. The brick shall be similar in color and design as that used in the development and shall at no time be painted.

- 3-

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

> Deputy Zoning Commissioner for Baltimore County

AMN:pjs

PETITION FOR ZONING VARIANCE EXHIBIT 1

THE RYLAND GROUP, INC. - LEGAL OWNER

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OF WY PAR

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Section 413.1.e(1) to permit a total sign area of 108 s.f. in lieu of permitted 15 s.f. (a variance of 93 s.f. +/-)

PETITION FOR ZONING VARIANCE

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EXHIBIT 2

THE RYLAND GROUP, INC. - LEGAL OWNER

To prevent the use and placement of an obnoxious sign in a residential neighborhood.

2. The combination of the sign and its brickwork create a gateway affect at the entrance to the site.

3. The entire area of the brickwork, under current Zoning Office interpretation of the BCZR, is required to be a part of the area of the sign. (The actual lettering of the sign itself is under the area permitted in Section 413.1.3(1).)

111 West Chesapeake Avenue Towson, MD 21204

21 W. Susquehanna Avenue

Case No. 91-340-A

Thomas G. Bodie, Esquire

Towson, Maryland 21204 RE: PETITION FOR ZONING VARIANCE E/S Greenspring Avenue, 49' S of the c/l of Quarry Heights Way 3rd Election District - 2nd Councilmanic District The Ryland Group, Inc. - Petitioners

Dear Mr. Bodie:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

Baltimore County Government

Zoning Commissioner

May 8, 1991

Office of Planning and Zoning

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

A M Notonica ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

887-3353

AMN:bjs

cc: Mr. Harvey Goldstein 2201 Oxeye Road, Baltimore, Md. 21209 Mr. Howard L. Pollinger 2320 Sugarcone Road, Baltimore, Md. 21209

People's Counsel

File

JANUARY 10, 1991 DESCRIPTION FOR ZONING VARIANCE

BEGINNING for the same at a point on the Easterly right-of-way of Greenspring Avenue at a point lying 49 feet southerly along said right-of-way from its intersection with the centerline of Quarry Heights Way. Thence leaving Greenspring Avenue binding on Quarry Heights Way two courses viz: North 42030'21" East 14.11 feet and North 87⁰39'25" East 10.00 feet. Thence leaving Quarry Heights Way running through and across the open space as shown on Second Amended Section 2, Plat 1 Greenspring East as recorded among the Land Records of Baltimore County in Plat Book S.M. 60 Folio 33, two courses viz: South 02020'35" East 25.00 feet and South 87007'59" West 19.85 feet to a point on the Easterly line of Greenspring Avenue aforesaid. Thence binding thereon by a curve to the right in a Northwesterly direction of radius 7581.97 feet an arc distance of 15.18 feet, said arc being subtended by a chord bearing North 02044'21" West 15.18 feet to the beginning hereof.

CONTAINING 450 square feet more or less.



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Please Make Checks Payable To: Baltimore County

JANUARY 10, 1991

DESCRIPTION FOR ZONING VARIANCE

BEGINNING for the same at a point on the Easterly right-of-way of Greenspring Avenue at a point lying 49 feet Northerly along said right-of-way line from its intersection with the centerline of Quarry Heights Way. Thence leaving Quarry Heights Way binding on the right-of-way line of Greenspring Avenue by a curve to the right in a Northwesterly direction of radius 7581.97 feet an arc distance of 15.14 feet said arc being subtended by a chord bearing North 01053'10" West 15.14 feet. Thence leaving the right-of-way of Greenspring Avenue running through and across the open space as shown on Second Amended Section 2, Plat 1 Greenspring East as recorded among the Land Records of Baltimore County in Liber S.M. 61 Folio 33, two courses viz: North 88004'45" East 19.82 feet and South 02020'35" East 25.00 to a point in the Northerly right-of-way line of Quarry Heights Way. Thence binding thereon two courses viz: South 87039'25" West 10.00 feet and North 47009'42" West 14.10 feet to the beginning hereof.

CONTAINING 449 square feet.

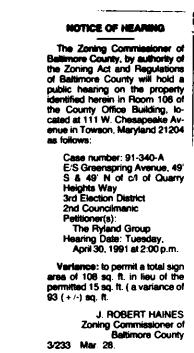
BEING part of the open space to be owned and maintained by the HOA as shown on the Second Amended Section 2, Plat 1 Greenspring East as recorded among the land records of Baltimore County in the Asia 61, Folio 33.

Baltimore County Government

Zoning Commissioner Office of Planning and Zoning

887-3353

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CERTIFICATE OF PUBLICATION

TOWSON, MD., _____ THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 328, 1911

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-340-A E/S Greenspring Avenue, 49' S & 49' N of c/1 of Quarry Heights Way 3rd Election District - 2nd Councilmanic Petitioner(s): The Ryland Group HEARING: TUESDAY, APRIL 30, 1991 at 2:00 p.m.

Variance to permit a total sign area of 108 sq. ft. in lieu of the permitted 15 sq. ft. (a variance of 93 (+/-) sq. ft.).

J. Robert Springe

Zoning Commissioner of Baltimore County

111 West Chesapeake Avenue Towson, MD 21204

887-3353

14 nights, \$256; MACKINAC/

WA CANYON, Aug. 19-25.

PERSONALS

How to BEAT the

HIGH COST of Auto &

IN 5 MINUTES?

aiontz insurance Agency, in

484-5907

First Time Buyers!

If You Have a Car

ou Have Insurance

, \$640. Iris, 486-6418.

CERTIFICATE OF PUBLICATION

Pikesville, Md.,

THE NORTHWEST STAR

THIS IS TO CERTIFY, that the annexed advertisement

Cost of Advertisement

BALTILORE COUNTY GOVERN

The Zoning Commissioner of Baltimore

County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows.

Case Number 91-340-A
E/S Greenspring Avenue, 49' S & 49' N of C/I of Quarry Heights Way

of Quarry Heights Way
3rd Election District—2nd Councilmanic
Petitioner(s). The Ryland Group
Hearing. Tuesday, April 30: 1991 at 2.00 p.m.
Variance to permit a total sign area of 108 sq.
ft. in lieu of the permitted 15 sq. ft. (a variance of 93 (1/1) sq. ft.).

was published in the NORTHWEST STAR, a weekly

newspaper published in Pikesville, Baltimore

the first publication appearing on the

the second publication appearing on the

the third publication appearing on the

Baltimore County Government

Zoning Commissioner

April 10, 1991

Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 2120 i

887-3353

Cockpit in Count Theatre Auditions

Cockpit in Court Summer Theatre

will hold auditions for musical and

non-musical parts for its upcoming season on April 6, 10-3 and Sun

April 7 from 1-3. For more info., call

TSU Course at

Reist. Sr. Ctr.

Freedom in Central Europe is being

offered by TSU at the Reisterstown

Senior Center on Thursday mornings from 10-11:30. The four week

course will begin on Thurs., April 4,

and registration fee is \$6. For more info, call Alan Gephardt at

Thomas G. Bodie, Esquire 21 W. Susquehanna Avenue Towson, MD 21204

> RE: Item No. 326, Case No. 91-340-A Petitioner: The Ryalnd Group, et al Petition for Zoning Variance

Dear Mr. Bodie:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE. ATTENTION JULIE WINJARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Zoning Plans Advisory Committee

Enclosures

JED:jw

cc: Mr. John M. Flaherty The Ryland Group, Inc. 1300 York Road, Suite 110 Lutherville, MD 21093

Zoning Commissioner County Office Building 111 West Chesapeake Avenue

ZONING CONNISSIONER BALTIMORE COUNTY, MARYLAND

cc Thomas G Bodie, Esq

111 West Chesapeake Avenue

Towson, MD 21204

The Ryland Group, Inc.

Case Number: 91-340-A

Dear Petitioner(s):

captioned property.

OF THE HEARING.

1300 York Road, Suite 110

Lutherville, Maryland 21093

3rd Election District - 2nd Councilmanic

HEARING: TUESDAY, APRIL 30, 1991 at 2:00 p.m.

Petitioner(s): The Ryland Group

E/S Greenspring Avenue, 49' S & 49' N of c/l of Quarry Heights Way

Please be advised that \$85.83 is due for advertising and posting of the above

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign &

post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113,

Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY

J. Robert Springs

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: March 14, 1991

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT. The Ryland Group, Inc., Item No. 326

In reference to the petitioner's requested Variance, staff offers the following comments:

Staff applauds the applicant's attempt to provide a well designed, quality sign treatment for the community of Greenspring. It is unfortunate that current regulations discourage signs such as the one the Ryland Group is proposing in the subject case.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM326/ZAC1

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: March 8, 1991

Mr. J. Robert Haines Zoning Commissioner Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 5, 1991

RJF/lvd

Baltimore County Government Fire Department

Too East Joppa Road, Suite 901 Towson, MD 2120+5500

(301).887.4500

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C. Foicht Caires
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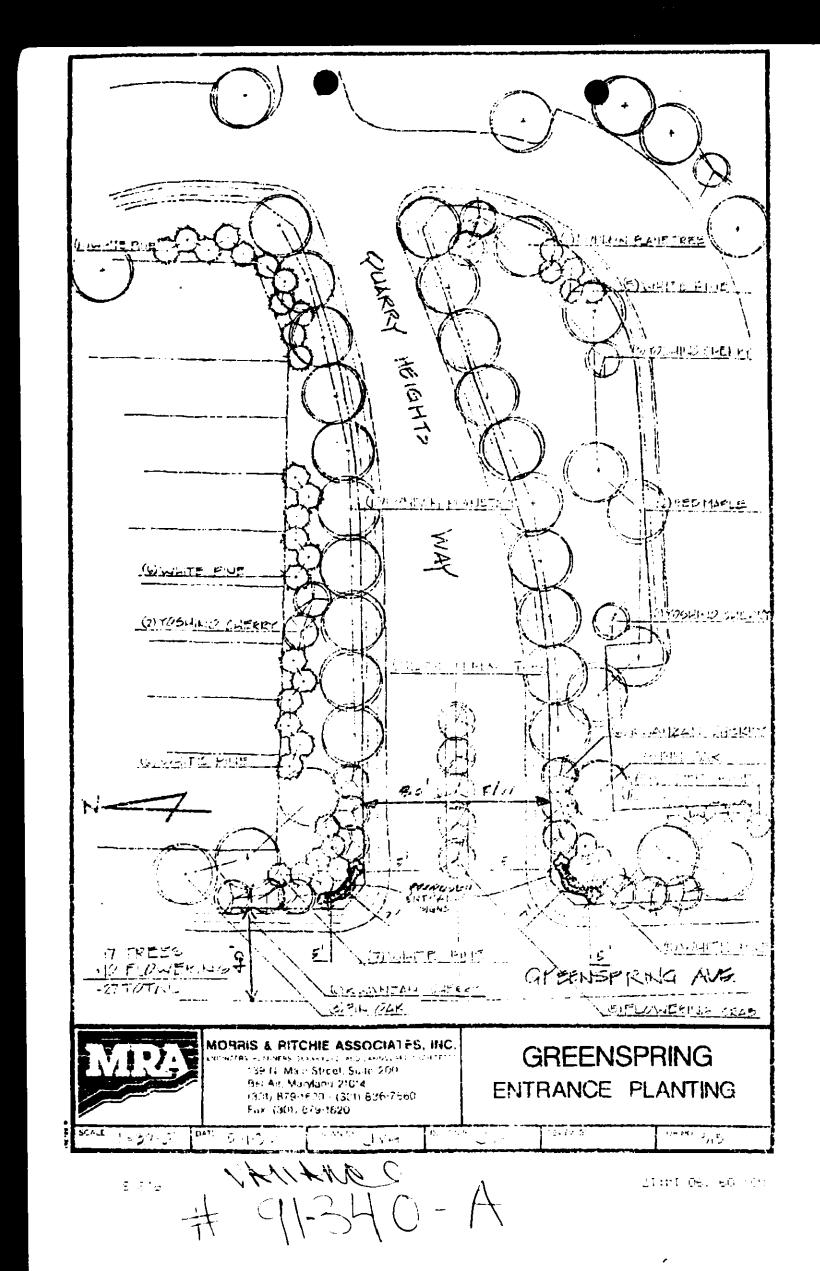
Centlemer:

Purbuant to your request, the referenced property has been nurveyed by this Pureau and the contents below sic applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or propored or the rite shall comply with all applicable requirements of the National Fire Protection Association Standard Fo. 301 "Life Safety Code", 1988 edition prior to occupancy.

Special Imagedtion Division

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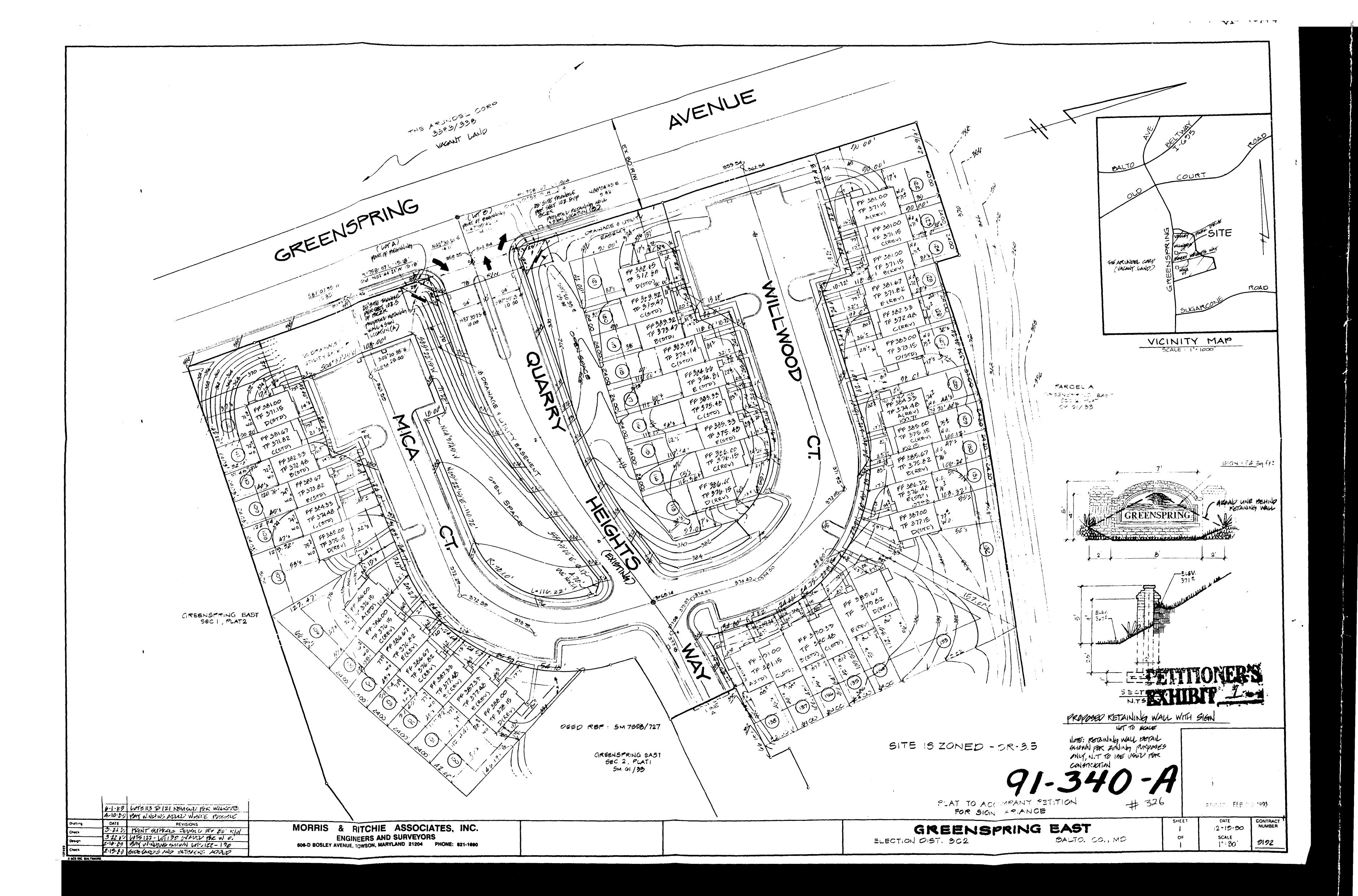
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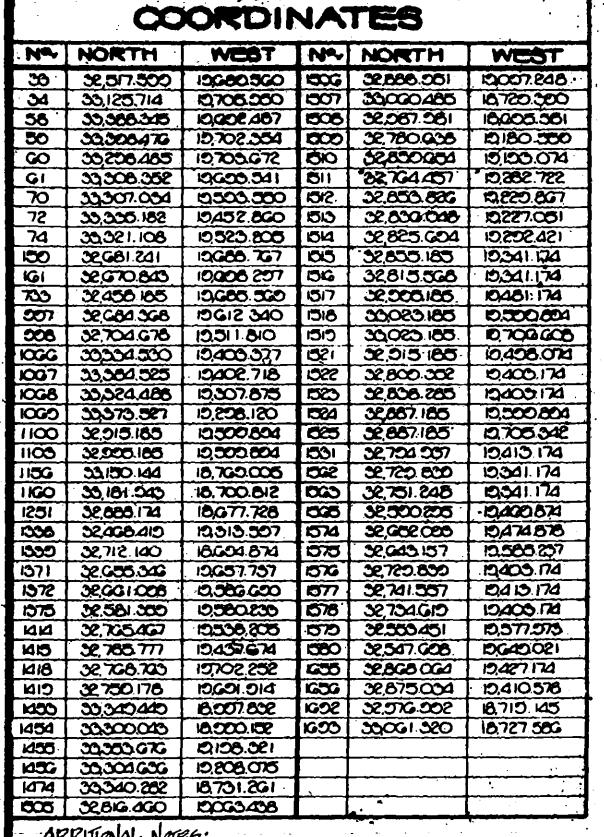
<u>NAME</u>	ADDRESS
PARVEY GOODSTEIN	2201 Oxers FD
Howard I Pollinger	1300 Sugarena RA
	 -

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

TOWSON MD 2.204 MICHAEL VERTEL MORRIS & RITCHIE ASSOC 21 W. SUSQUEHANNA AV. THOS. 6. BODIE ATTORNEY FOR PET R

This office has no comments for items number 320, 324, and 326.





ADDITIONAL NOTES:

I THE OWNER/NEVELOPER WILL COMPLY WITH THE ISEST MANAGEMENT PRACTICES CONTAINED IN THE WATER QUALITY MANAGEMENT

2 EXCEPT AS OTHERWISE INDICATED, ALL ISULVING KESTRICTUM LINES SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS WAS POLICIES OF THE PRANTIMURE COUNTY OFFICE OF PLANNING & LONING. EXCEPTIONS TO THESE RESTRICTIONS MAY APPLY, INCLUDING I THE MINIMUM SETIMACK OF 22 PEET TO 196 HELD FROM THE STREET K RIGHT-OF-WAY LINE TO THE GARAGE OK CARPORT ENTERED OF BRECTLY FROM THE STREET.

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14-20-57

17.1. D. GREENSPRING ANE, INC.

7. RESTRICTIVE COVENANTS HAVE IDEEN FILED

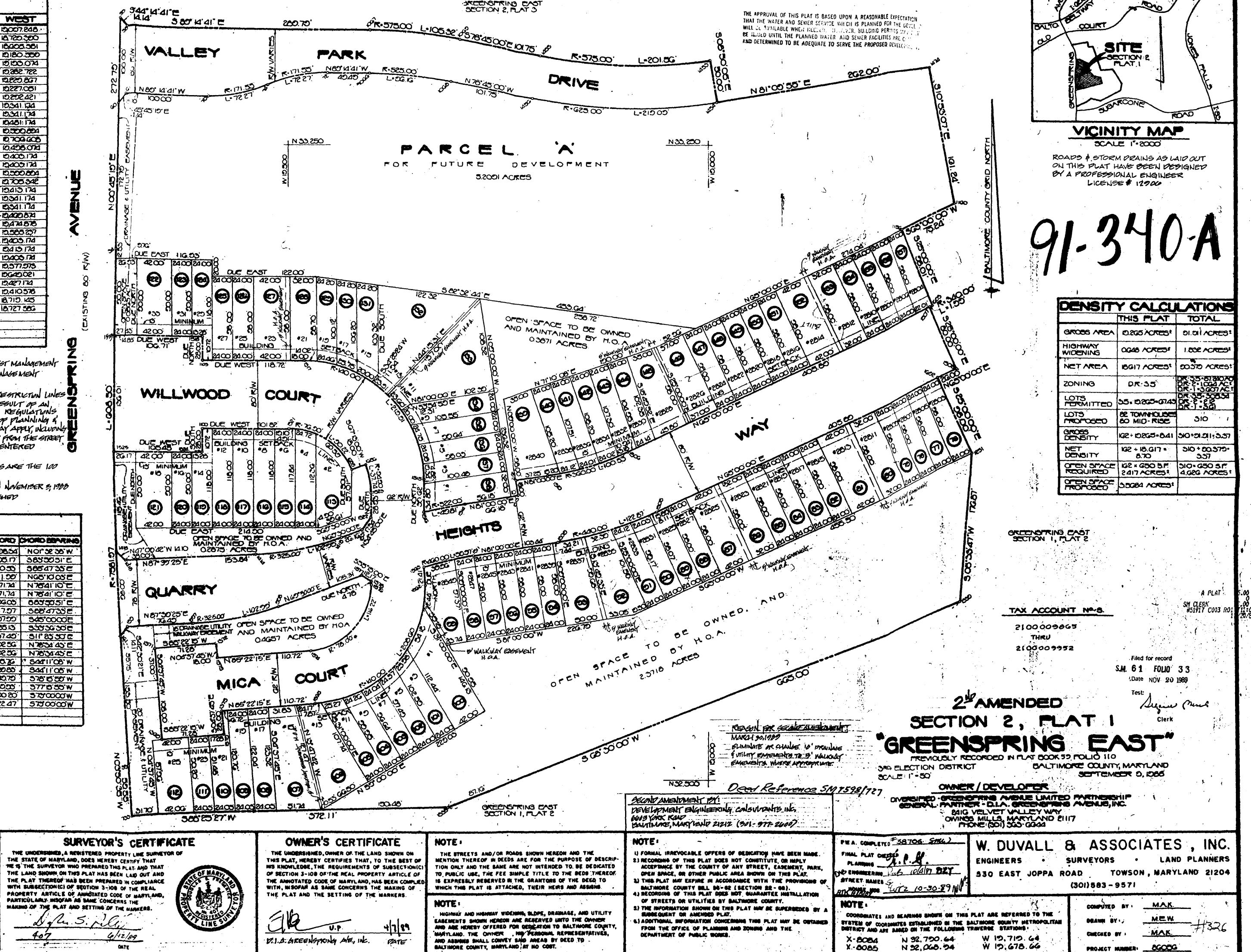
APPROVED .

pirectur of public works/

APPROVED :

DRESTOR of PLANNING AND ZONTING.

PRESON OF ENGLINE PROTECTION AND RESOURCE MANAGEMENT



DEPARTMENT OF PUBLIC WORKS.

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